

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

VIBERT FREDERICK, an individual,

Plaintiff,

v.

BANK OF AMERICA, N.A., a federally  
chartered bank; and SELECT PORTFOLIO  
SERVICING, INC.,

Defendants.

2:12-cv-877-RCJ-PAL

**ORDER**

On April 18, 2012, Plaintiff Vibert Frederick filed a complaint in Nevada state court against Defendants Bank of America, N.A. and Select Portfolio Servicing, Inc. (Compl. (#1-1) at 1). The complaint contains two contractual causes of action related to the foreclosure of Plaintiff's home. (*Id.* at 4-6). Select Portfolio Servicing later removed the action to this Court on May 23, 2012. (Pet. for Removal (#1)).

Defendant Select Portfolio Servicing filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on June 4, 2012. (Mot. to Dismiss (#5)). Plaintiff failed to respond to Select Portfolio Servicing's motion to dismiss.


Under Nevada Local Rule 7-2(d), "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." The "[f]ailure to follow a district court's local rules is a proper ground for dismissal." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Plaintiff here failed to file a response to Select Portfolio Servicing's motion to dismiss. Under Nevada Local Rule 7-2(d), Plaintiff is therefore deemed to consent to the granting of

1 the motion. Accordingly, the Court dismisses the complaint against Select Portfolio Servicing  
2 with prejudice.

3 For the foregoing reasons, IT IS ORDERED that Select Portfolio Servicing's motion to  
4 dismiss (#5) is GRANTED with prejudice.

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6 DATED: This 3rd day of August, 2012.

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10 United States District Judge  
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